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APPLICATION NO.	FILING DATE	· FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,321	10/20/2003	Douglas Gene Keithley	MP0980 (13036/21)	4135
	7590 09/17/200 ER GILSON & LIONE	EXAM	EXAMINER	
P.O. BOX 1039	-	RODRIGUEZ	RODRIGUEZ, LENNIN R	
CHICAGO, IL	60610	·	ART UNIT	PAPER NUMBER
	•		2625	
				•
	•		MAIL DATE	DELIVERY MODE
			09/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

•		Application No.	Applicant(s)	1.00			
		10/689,321	KEITHLEY ET AL.				
	Office Action Summary	Examiner	Art Unit				
		Lennin R. Rodriguez	2625				
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
2a)	Responsive to communication(s) filed on <u>20 O</u> This action is FINAL . 2b)⊠ This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro		nerits is			
Disposition	on of Claims						
5) □ 6) □ 7) □ 8) ☑ Application 9) □ □	Claim(s) 1-17 is/are pending in the application. 4a) Of the above claim(s) is/are withdray. Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-17 are subject to restriction and/or expected. The specification is objected to by the Examine. The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct. The oath or declaration is objected to by the Examine.	wn from consideration. election requirement. er. epted or b) objected to by the Edrawing(s) be held in abeyance. Seetion is required if the drawing(s) is objected.	e 37 CFR 1.85(a). lected to. See 37 CFR				
Priority u	nder 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
2) Notice 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate				

Art Unit: 2625

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

I. Species of the embodiment disclosed on Fig. 4 and Fig. 5; in particular, the invention that includes a printer.

II. Species of the embodiment disclosed on Fig. 1; in particular, the invention that includes a scanning control circuit.

III. Species of the embodiment disclosed on Fig. 2 and Fig. 3; in particular, the invention that includes a method for scanning a memory.

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely applicable to another species; and/or the species are likely to raise different non-prior art issues under U.S.C. 101 and/or 35 U.S.C. 112 first paragraph.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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the prior art, the evidence or admission may be used in a rejection under 35

U.S.C. 103(a) of the other invention.

2. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lennin R. Rodriguez whose telephone number is (571)

270-1678. The examiner can normally be reached on Monday - Thursday 7:30am -

6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lennin Rodriguez 9/11/07

KING Y. POUN SUPERVISORY PATENT EXAMINER

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